G R S App [X 4]

194 - [redacted] File No 56 4

Previous References

([redacted]) Serial Nos 46

Later References

47

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for

SUBJECT

Declaring that all the meetings of the [redacted] held after 10-12-42 were not valid — B. City Municipality

Letter dt 28 12 42 from Mr V Venkatarao Chetty, Hon Sec, Adv Mlc, Bangalore stating that Mr V S S Rajan, a comm. has sent him a letter on 26-12-42. declaring that all meetings of the Mlc held after 10-12 42 were not valid & asked him to cancel the meeting on 26-12 42 etc.

A report has been separately called for & on the petition filed by Mr. Rajan raising objections to the election of Mr V K Gowda Rajulu & Mr R Subbanna as President & Vice President respectively.

The record have not yet been received, & if appd, this will be linked to that file

Submitted for orders ~~for~~ if This may be forwarded to ML Govt for report

30/12
30/12

Law Secy
31/12/42

Govt may write the Secy for sending the report received from the Hon Com Tour Petition

Govt
31 12 42

Submitted 56
Filed

For orders Please
See ML 56-42 (46-49)

1/1/43

B
1/1/43

SECY LAW DEPT
MYSORE

WD 1140—GPB—50 000—5-11-42

4- /L

No L6 2858 /42-43

Office of the Deputy Commissioner
Bangalore District,
Dated, Bangalore, 14th Jany ,1943

From

H Ranajodha Singh, Esq , B A ,
Deputy Commissioner,
Bangalore District,
Bangalore

To

C Narayanaswami Naidu, Esq , B A , B L ,
Secretary to Government of His
Highness the Maharaja of Mysore,
Law Department,
Bangalore

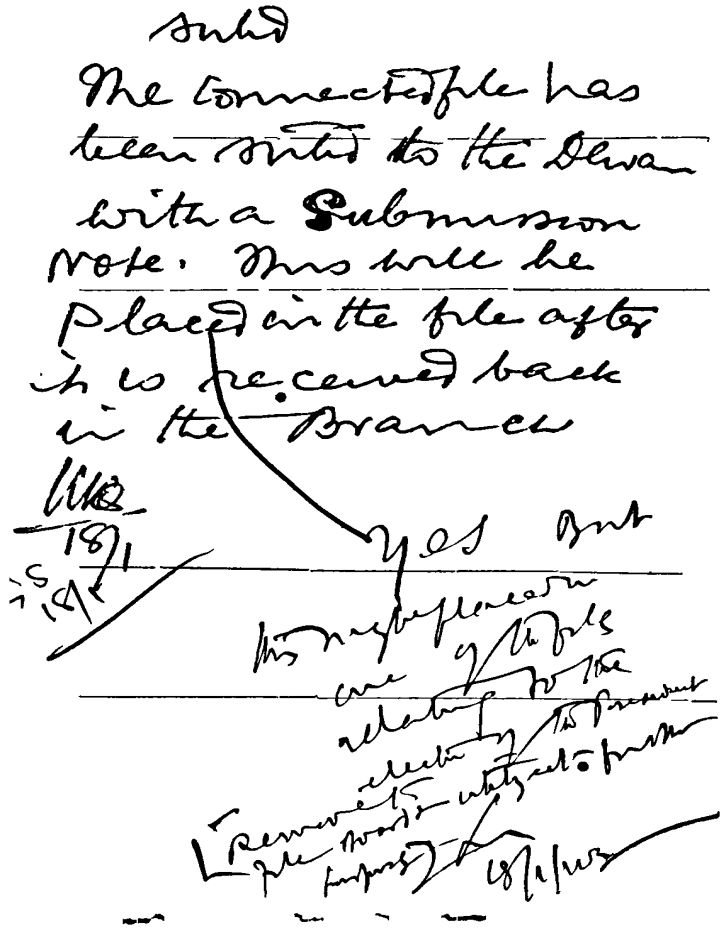
Sir,

Adverting to Government Notification No L 6789/M1 56-42-48, dated 11th January, 1943 approving of the election of Mr V K Govindarajulu, B A , B L , as President of the Bangalore City Municipal Council, I have the honour to state that I ~~have~~ handed over charge of the City Municipal Office to Mr Govindarajulu the same day i e , on 11-1-1943

I have the honour to be,
Sir
Your most obedient servant,

Deputy Commissioner,
Bangalore District

SPH



Explanation—Column 1 shows the Serial No mai
Column 2 shows the Official No ar
The entries in Column 6 should be
In Column 7 should be given expl
Cases when disposed of should be
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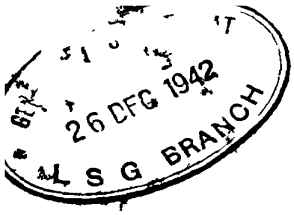
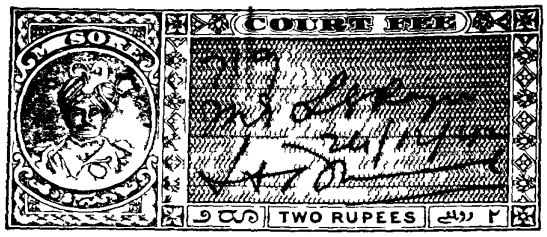
Every three months the statemen

Form of the Monthly Arrears Statement

Serial No	Official No and date	From whom received	Date of receipt in Secretariat
1	2		





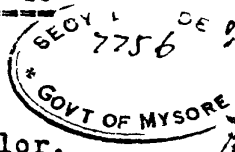
30 cts.
In person
dated
12 noon on the
26th Dec 1942
under instructions fra
Law Secy
by phone 26/12/42

Asst Secy
L S G Br

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE

In person in the first instance

Petition No | of 1942-43



Petitioners -

1. L S.Raju, M A (Hons), B L ,
Advocate and Municipal Councillor,
Bangalore City Municipal Council,
Bangalore City

2 M K. Narayana Iyengar, B A., B L ,
Advocate and Municipal Councillor,
Bangalore City-Municipal Council,
Bangalore City

3 A R A Basith, Municipal Councillor,
Race Course Road, Bangalore City

4 H B Mahomed Khan,
Municipal Councillor,
IV Road, Chamarajpet,
Bangalore City

5 Ramlal Jiwan, Municipal
Councillor Malavalli Rama
gallu, Bangalore City —

- VS -

Respondent -

V K Govindarajulu Naidu, B A , B L
Advocate and Municipal Councillor,
Bangalore City Municipal Council,
Bangalore City

Under Rule 7 of the Rules Regulating the Election of the President to the

Municipal Council, the above petitioners beg to submit as follows -

1 The petitioners are the Councillors of the Bangalore City Municipal Council The respondent is also a Councillor of the Bangalore City Municipal Council

2 On the 22nd December 1942 a Special Meeting of the Bangalore City Municipal Council was called for the purpose of electing a President and a Vice-President for the period 1-1-1943 to 31-12-1943 At the said election the respondent was pronounced to have secured a majority of votes for the Presidentship The petitioners beg to contest the validity of the election of the respondent as President on the following grounds, among others

G R O U N D S

3 (a) For the period from 1-1-1942 to 31-12-1942 Mr K Hanumanthaiya, Municipal Councillor, had been elected as President and his election had been approved by the Government of Mysore On or about the 10th August 1942 the said Mr K Hanumanthaiya was arrested by the Bangalore City Police under Rule 26 of the Defence of India Rules and has been placed under detention since then On account

account of this detention the said Mr K. Hanumanthaiya could not attend the Municipal Office or function as President and absented himself from the Municipal Council in such manner as to be unable to perform his duties as President No leave for his absence was applied for or granted before the expiry of two months from 10-8-1942 Accordingly, under sub-section 7 of Section 23 of the City Municipalities Act he ceased to be President on the expiry of two months with effect from 10-8-1942, that is, from 10-10-1942 he statutorily ceased to be President

b) Under Rule 1, clause (c), of the Rules Regulating the Election of the President, it is provided that when the Office of an elected President becomes vacant under sub-section 7 of Section 23, of the City Municipalities Act, a fresh election shall take place at a meeting of the Council held not later than two months from date of occurrence of the vacancy Since the statutory vacancy occurred on 10-10-1942 the meeting of the Council should have been held not later than 10th December 1942 for the purpose of electing the President in accordance with sub-section 13 of Section 23 read with Rule 1, clause (c), of the Rules Regulating the Election of the President to the City Municipal Council This could and ought to have been done by the Vice-President under Section 26(2)(b) of the City Municipalities Act It was not so done.

Consequently

Consequently, the Bangalore City Municipal Council lost the privilege of electing its President, and the matter should have been referred to Government under the provisions of Rule 9 of the Rules Regulating the Election of the President and further action taken in accordance with the provisions of the said Rule which provided, among other matters, the ordering of a fresh election

(c) There was thus no statutory right to call the meeting held on 22nd December 1942 for the purpose of electing a President for the period 1-1-1943 to 31-12-1943 and the proceedings of the said meeting are wholly illegal and unauthorised in law and the election of the respondent at the said meeting is totally invalid and liable to be set aside

4 The petitioners further submit -

(a) that Act XXXVIII of 1942 could only govern cases where the President's office has not become vacant and such President whose office has not become vacant is incapable of performing his duties The said Act has no application in the present case where the President's office has become vacant under sub-section 7 of Section 23 of the City Municipalities Act

that -

4 (b) that the Vice-President Mr V Venkataswami Chetti had no jurisdiction to act under Act XXXVIII of 1942 after 10-10-1942 when the presidentship became statutorily vacant and that not having taken steps to have a fresh election for the presidentship in accordance with sub-section 13, of Section 23 read with Rule 1(c) of the Rules Regulating the Election of the President and by virtue of the powers vested in him under Section 26 (2)(b) of the City Municipalities Act, he, viz , the Vice-President Mr V Venkataswami Chetti, became functus officio to exercise the powers of the President after 10-12-1942

5 Under the aforesaid circumstances, under the law, no valid meeting could be called for the purpose of electing the President for the calendar year 1943 and. In addition, the petitioners submit that the meeting which was actually held on 22nd December 1942 is illegal and invalid for the following reasons, among others,

(a) The Notice No C1 C799-42 actually issued for the meeting held on 22nd December 1942, at which the respondent Mr. V K Govindarajulu Naidu is stated to have secured a majority of votes for the presidentship, is illegal, defective and otherwise irregular The said Notice (a true copy of which marked A is herewith annexed) dated 28th November 1942 Between the said date and the actual date of the meeting for the election of the President, viz , 22nd December

December 1942, more than 20 days have elapsed, which is contrary to the proviso to Rule 1 of the Rules Regulating the Election of the President The said meeting held on 22nd December 1942 after a lapse of more than 20 days is wholly illegal and no valid business could be transacted at such a meeting

(b) No separate notices have been issued for the election of the President and the Vice-President respectively, and the two are clubbed together in the same notice, which is also illegal

(c) The notice is not actually signed by anyone but a facsimile signature of Mr V Venkataswami Chetti describing himself as Honorary President in Charge appears affixed to the said Notice This is not a valid Notice and Mr V Venkataswami Chetti was not an Honorary President in Charge He could not, in the first instance, convene ~~any~~ the meeting on 22-12-42 for the election of the President for the calendar year 1943 as such a privilege was lost on 10-12-1942 He could not also validly preside over the meeting on 22nd December 1942

(d) The aforesaid Notice of 28th November 1942, in addition to calling for a meeting for the 22nd December 1942, also indicated as to when nomination papers should reach. There was a mistake in

the

the said notice which was sought to be corrected by another notice dated 5th December 1942, and again on 9th December 1942 a very important mistake and illegality regarding the person to whom the nomination paper should be delivered, was corrected Thus, in effect, the Notice of 28th November 1942 became finally a corrected Notice on 9th December 1942 between which date and the date of the actual meeting, viz , 22nd December 1942, there were less than 15 days

6 On all of the above grounds and others, the Notice convening the meeting is wholly illegal, and the meeting was not a validly called and conducted meeting and the election of the respondent at such a meeting is invalid

7 (a) The petitioners understand that the respondent was nominated by two Councillors, one of whom could not act as Councillor and was disqualified to do so on the date he signed the nomination paper That nomination paper was not withdrawn and the respondent's nomination on the basis of the said nomination paper is illegal and he was not entitled to stand as a candidate as one of the Councillors who nominated him was disqualified

(b) The Rules Regulating the Election of the President do not authorise and contemplate the receipt of more than one nomination paper

8 The

8 The petitioners further submit that although two Members of the Municipal Council resigned, viz , Mr B Narasimhiah of the IV Division and Miss Kamala Ramachandria of the VIII Division, some months ago, they attended the meeting of the Municipal Council prior to 22nd December 1942 and there was considerable delay in communicating to the Municipal Office the final orders of the Government regarding their status, which has materially affected the result of the election and the reasons for which delay the petitioners consider impolitic and inexpedient to refer to in this Petition at this stage

9 The election of the respondent under the aforesaid circumstances is wholly illegal and invalid and liable to be set aside and the petitioners pray accordingly

10 The petitioners further pray that until the disposal of this Petition the respondent's election be not approved by Government

Bangalore,
Dated 26 -12-42

Petitioners

N B - A copy of this Petition has been submitted by the petitioners to the Dewan of Mysore and also the Minister for Law.

1st Petitioner

No C1 C 799/42 4 City Municipal Offices,
Bangalore, dated 28th Nov 42

Notice

A Special Meeting of the City Municipal Council, Bangalore, will be held on TUESDAY THE 22nd DECEMBER 1942 AT 9 A M in the Council Chamber of the City Municipal Offices, Bangalore, for the Election of the President and Vice President for the period from 1-1-1943 to 31-12-1943

The Nomination papers should reach the undersigned on or FRIDAY THE 11TH DECEMBER 1942 5 P M

V VENKATASWAMY CHETTY (in facsimile)
Honorary President in Charge

"True Copy"

3904/42
LSGD

V Venkatasawmi Chetti,
Vice-President, Municipal Council,
Bangalore city

Dated 28th Dec 1942

To,
The Law Secretary
To the Government of Mysore,
BANGALORE CITY

Dear Sir,

I have the honour to bring the following facts to the kind notice of the Government

On 26-12-42, Mr L S Raju, a Councillor elected from III Division, Bangalore City, sent to me a letter stating that all Meetings of the Municipal Council, held after 10-12-42, were not valid, and asked me to cancellx the meeting on 26-12-42 His reasons are as follows - Since Mr K Hanumanthiah, the Honorary President of the Municipal Council, was arrested on 10-8-42, and detained in Jail, he did not attend to Municipal work from that day, and under section 23 Cl7 of the M C M Act, he forfeited his place of the President after absence of two months, on 11-10-42, and therefore, since there was no President, Act XXXVIII of 1942 under which the Vice-President functioned, ceased to have any force Mr Raju how ever contended that pending succession of a President, the Vice-President could perform the duties of the President, under section 26 Cl 2 b of the said Act but this would only be for a period of two months, within which a President should should be elected, i e , by 10-12-42 Mr Raju concludes that this was not so done, and therefore, the Vice-President also ceased to function, and no meeting of the Council could validly be held after 10-12-42

In this connection, I may point out that the very same contention was raised by the Municipal Commissioner in his Letter No C1 P R 9/42 dated 13-10-42, and sought for orders of the Government for a by-election for the place of a President which according to him, fell vacant on 11-10-42 The Government after going through the question, directed in their let-

letter No D O L 5549/M1 155-42-16 dated 3-12-42, that since Mr K. Hanumanthiah continued as the President till 31-12-42, only an annual election, of the President and the Vice-President, might be held for the 1943 Accordingly, the said election was held on 22-12-42, and the results sent to Government for confirmation and approval

Section 23 Cl 7 of the Act clearly contemplates of the case of a President who shall absent himself from the Municipality and not of one who is detained involuntarily and prevented from attending to Municipal functions Therefore, the Emergency Act XXXVIII of 1942 continues to apply till 31-12-42, and thus the position taken by Mr L S Raju, is untenable

Further, the second position taken by Mr Raju, is also not tenable Even if the said Emergency Act ceases to apply the Vice-President gets powers of the President in all cases, pending succession, or appointment or election of a President, to the vacancy, indefinitely, and not only for a period of two months only as averred by Mr Raju

It is regrettable to note that even though I took charge of the office of the President on 1-10-42, the Municipal Commissioner wrote a letter on 13-10-42 without my knowledge and he did not even communicate the Government Order dated 3-12-42 of this very important matter By an accident, I came to know of the existence of this correspondence between the Government and the Municipality from the Council Clerk on the evening of 26-12-42 When I questioned the Council Clerk, Mr M Swaminathan, as to why these letters were kept back from the President and the Council, he replied that he had to do so under instructions from the Municipal Commissioner The ignorance of the Council of this important Government order has led to this state of misinterpretation

On 26-12-42, at the Meeting, Mr L S Raju's letter was read and recorded, and I ruled out his objections as untenable, and continued the Meeting of the Council But Mr L S Raju has

again sent a letter objecting to the holding of a Special Meeting of the Council on 30-12-42 on the same grounds, and this letter does not call for a fresh ruling

When the previous letter dated 24-12-42 was sent to the Commissioner by Mr Raju direct, the Commissioner who was well-aware of the Government Order dated 3-12-42, wrote on that letter that the objection taken by Mr Raju was valid, and directed that all further Meetings of the Council should be adjourned sine die till the New President takes charge of the office I should state that this observation was both unwarranted and misleading I do not know what place the Commissioner has in holding of Municipal Meetings He has also without my knowledge sought legal opinion on this from the Law Secretary to the Government

I pray, the Government takes serious notice of the Commissioner in a matter purely pertaining to the Council, and see that such acts are not repeated

Yours sincerely,

G Venkata Swamy Reddy

[redacted] Council

Residence [redacted]

Bangalore City 30th Dec 1942

96

To

For perusal
1 Cov 31-12-42
Asst S G

The Law Secretary,
Government of Mysore,
Bangalore

Dear Sir,

In continuation of my D O Dated 29th Dec 1942, I write this to state that the municipal commissioner, who gave an undertaking not to interest himself in the matter of election of president and Vice-presidentfor the year 1943, when he was told about this matter on the 26th Dec 1942, has again started acting in a way prejudicial to Municipal interests On the meeting on 26-12-42, even though the commissioner wrote on the letter dated 24-12-1942 of Mr L S Raju, that the objection taken by Mr Raju was valid and that all further meetings should be adjourned sine die, he attended the meeting of the Council and took part in the proceedings till the end

As pointed out earlier in my letter, Mr L S Raju sent another similar letter urging the adjournment of the meeting on similar grounds on which I ruled out his objections Since the meetingx of the council, was held at an early part of the day at 9 A M, I had asked the personal Assistant to the Commissioner to arrange for lunch to the councillors When asked, Mr A Mariappa, the personal Assistant said

said in the council that when he had gone to the Commissioner to take his permission to arrange for lunch, he said that the Commissioner directed him not to arrange for lunch from municipal funds, as the proposed meeting was invalid All the councillors present expressed resentment at the attitude of the commissioner and according to their desire I am painfully bringing this fact to the notice of the Government

Already, the unwarranted opinion given by the commissioner on Mr L S Raju's letter dated 24-12-42, is made much of by the press, and the council is feeling disgraced at the commissioner directing the meeting illegal I want the Government to examine the danger to the public opinion such unwarranted attitudes lead to, particularly when the whole matter is pending decision before the Government I see Mr L S Raju frequently visiting the house of the municipal Commissioner at Basavanagudi, and I have the least doubt to surmise that the municipal commissioner is acting in this detrimental manner in order to favour one of the contesting candidates for the presidentship If the commissioner were to interest himself in such election disputes of rival candidates, and ultimately if an unfavoured candidate is declared by the Government as the President, there is no hope of a bright future for the municipality

I pray that the matter is immediately given attention to by our benign Government, and action taken before demoralisation of municipal administration sets in

Yours sincerly,

C Venkatarama Reddy

C 5133-26-1
App F IX 4

1926 C S

File No 137-26

Serial Nos 1 - 2

Previous References

Later References

General and Revenue Secretariat

Serial Two

Part B for April 27

SUBJECT

Issue of Sale loan bonds to the city Swadeshsada. Cooperative society, in the joint names of the President and the Secretary of the Society

D 8242 3 A 14 4 27

to Registrar of Societies

— Comptroller to post

Requests the Comptroller to authorize

Re

Rambaum